

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61942 of 2023**

Arising Out of PS. Case No.-272 Year-2022 Thana- DARBHANGA District- Darbhanga

Dilip Paswan Son of Late Laxmi Paswan, R/o Mohalla - Ratnopatti, P.S. -
Town, Distt. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection with Darbhanga Town P.S. Case No. 272 of 2022 dated 28.09.2022, instituted under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the total recovery of 66 litres of country made liquor from two jute bags on the motorcycle is the subject matter of present case.

4. Learned counsel for the petitioner submits that petitioner had sold his motorcycle to a kabari shop owner Md. Firoz on 20.02.2020 much prior to the said occurrence and to that effect a sale letter was also executed, a copy of same is annexed with the application. He further submits that petitioner



had no knowledge about the illegal use of the motorcycle. He also submits that petitioner has no concern with the seized liquor. Learned counsel submits that there is one criminal antecedent of petitioner which is not under the Excise Act.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Judge-1, (Excise Act), Darbhanga in connection with Darbhanga Town P.S. Case No. 272 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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